

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JESSE R. JONES

PLAINTIFF

VS.

CASE NO. 4:07-CV-4026

MICHAEL J. ASTRUE,
Commissioner, Social Security Administration

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed January 15, 2008 by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 8). Judge Marschewski recommends the issuance of an Order directing the Commissioner to supplement or reconstruct the missing portion of the transcript in this matter within a reasonable period of time not exceeding sixty (60) days. Judge Marschewski also recommends that this matter be administratively terminated pending the Commissioner's submission of the transcript of the entire record. Should the Commissioner be unable to produce a certified transcript containing a record of the entire administrative hearing, Judge Marschewski recommends that Commissioner notify the Court of the reasons for his inability to supplement the record by means of filing an appropriate motion or notice.

Plaintiff Jesse R. Jones has not filed objections to the Report and Recommendation, and his time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*, and, accordingly

IT IS ORDERED that the Commissioner supplement the record within a reasonable period of time not exceeding sixty (60) days. In the event the Commissioner is unable to supplement or reconstruct the administrative record, he is directed to notify the Court via motion or notice of his inability to comply with this Order.

IT IS FURTHER ORDERED that this matter is hereby **ADMINISTRATIVELY TERMINATED** to allow the Commissioner a reasonable period of time to locate or reconstruct the missing portion of the administrative record. Should the Commissioner be unable to supplement the record as directed herein, the Court will then entertain an appropriate motion to remand.

IT IS SO ORDERED, this 8th day of February, 2008.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge